

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 1:11CR270
)	
Plaintiff,)	
)	JUDGE DONALD C. NUGENT
v.)	
)	
NICOLAS WALKER,)	
)	
Defendant.)	
	and	
UNITED STATES OF AMERICA,)	Case No. 1:12CR308
)	
Plaintiff,)	
)	JUDGE SARA LIOI
v.)	
)	
DEJUAN BYBEE,)	
)	
Defendant.)	

GOVERNMENT’S NOTICE OF RECENTLY FILED RELATED CASE

Now comes the United States of America, by and through Steven M. Dettelbach, United States Attorney, and Arturo G. Hernandez, Assistant United States Attorney, and hereby gives notice, pursuant to Local Criminal Rule 57.9(b)(3), that the recently filed Indictment in Case No. 1:12CR308, assigned to the Honorable Sara Lioi, is related to the matter in *United States v. Nicholas Walker*, Case No. 1:11CR270, which was assigned to the Honorable Donald C. Nugent,

and which is now closed as the Defendant, Nicholas Walker, was sentenced on or about June 1, 2012.

Although Rule 57.9 provides for reassignment of related cases, the rule itself does not articulate a governing standard. Rather, when filing a criminal case, the United States Attorney's Office is required "in any case which is, or might be considered, related to another case, file a motion/notice with both District Judges advising the Court of the relationship. A new violation resulting in a federal indictment or information may be considered related to the previously filed case." *Id.*

These cases are related because the conduct for which Defendant, Dejuan Bybee was charged in Case No. 1:12CR308, is conduct which arose out of the same bank robbery for which Defendant Nicholas Walker was charged in Count 9 of Case No. 1:11CR270. At the time Defendant Walker pleaded guilty, on or about March 20, 2012, the government did not have the forensic evidence needed to present charges related to Defendant Bybee for the conduct identified in Count 9 of Defendant Walker's Case No. 1:11CR270. It was not until less than two weeks prior to Defendant Walker's sentencing, when the undersigned Assistant U. S. Attorney learned of the results of the forensic analysis which caused the government to present charges against Defendant Bybee.

As the matter against Defendant Walker is closed, it is not clear whether the notice is mandated, but in order to ensure compliance with Local Criminal Rule 57.9 and to ensure that

the Court has all relevant information it may require to exercise its discretion on how the matter against Defendant Bybee should be handled, this notice is provided.

Respectfully Submitted,

STEVEN M. DETTELBACH
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 2012, a copy of the foregoing Government's Notice of Recently Filed Related Case was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Arturo G. Hernandez
Arturo G. Hernandez
Assistant U. S. Attorney